

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, December 19, 2012**

1. Call to Order:

Chairman Preston Hicks, called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Susan Baldwin (Mayor)	Jan Frantz	Chip Spranger
Steve Barker	John Godfrey	John Stetler
Dan Buscher	Preston Hicks	

Members Excused: Dave Walters

Staff Present: Christine Hilton, Planning Supervisor
Jill Steele, Deputy City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of November 28, 2012.

**MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY
COMMISSIONER SPRANGER, TO APPROVE THE PLANNING COMMISSION
REGULAR MEETING MINUTES FOR NOVEMBER 28, 2012 AS PRESENTED.**

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: Received (2) documents in opposition to Special Use Permit #S-06-12.

6. Old Business: None

7. New Business:

Public Hearings and Deliberation/Recommendations:

- A. Zoning Reclassification #Z-01-12:** Petition from Anchor Properties of the Great Lakes, Inc., Mr. Matt Williams, 44 Grandville Ave., S.W., Ste. 1, Grand Rapids, MI 49503. Requesting a rezoning from "R-1C Single Family Residential" to "C-3 Intensive Business District", for property located at 426 Hunter Street, Parcel #8550-00-018-0.

Commissioner Hicks Opened the Public Hearing:

Ms. Christine Hilton, Planning Supervisor, stated as indicated in the staff report, that staff is in support of this zoning change request and that it is a residential zoned property that is directly south of the Verona Elementary School and adjacent on two sides to the C-3 Intensive Business Districts along Emmett St. and Capital Ave., N.E. and if approved it would also allow uses in the "C-1 Neighborhood Commercial", "C-2 General Business" and "C-3 Intensive Business District" zones at that location. Stated the future intended use of this property is not relevant to the

rezoning once it is rezoned they may then use the property for whatever the zoning may be. Noted it is consistent with the future land use for commercial and is meets the goals and objectives in the master plan and is consistent with the infrastructure and roadways that are in place at that location.

Mr. Matt Williams, Anchor Properties, 44 Grandville Ave., S.W., Grand Rapids, MI came forward to speak. Said this property at 426 Hunter St. current use is a residential family home and are requesting it to be rezoned to C-3 Intensive Business District; if approved the future project consist of 4 commercial and 3 residential properties for the new development and home for Metro PCS; Little Caesar's and Walgreens businesses. Stated their request to rezone is a reasonable one as the adjacent properties are zoned "C-3 Intensive Business District" and is also in the Master Plan for the City of Battle Creek. Mr. Williams stated they had attended the Neighborhood Planning Council #4 meeting, which were in favor and recommend approval of this request and to pay particular attention to any possible traffic issues, with they are working on.

With no others wishing to speak, Chairperson Commissioner Hicks closed the public hearing.

MOTION BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER BARKER TO APPROVE THE ZONING RECLASSIFICATION REQUEST TO REZONE FROM "R-1C SINGLE FAMILY RESIDENTIAL" TO "C-3 INTENSIVE BUSINESS DISTRICT" FOR PROPERTY LOCATED AT 426 HUNTER STREET, PARCEL #8550-00-018-0.

Discussion:

Commissioner Frantz asked if the old Walgreens store would be left vacant. Mr. Williams stated he did not believe it would remain vacant long as it is not owned by Walgreens and have already received some inquires. Said it is owned by a 3rd party and has been only leased by the Walgreens store.

Commissioner Frantz stated she is in agreement with the staff recommendations; but wanted to note a reminder there is also ample vacant commercial property in the Central Business District.

Commissioner Godfrey asked Ms. Hilton if any of the uses listed in the staff report are restrictive because of being located across from an elementary school; also if it would be built facing Capital Ave., N.E., also if they would be selling packaged liquor, cigars, etc. Mr. Williams stated they spoke with the school officials, which are in support of the project. Said they plan on improving the children's safety by adding sidewalks on Hunter St. to connect with the existing sidewalks; and would be placed similar to their current location facing Capital. Noted, yes their stores sell beer, wine and smoking items.

Chairperson, Commissioner Hicks asked commissioners for a vote.

VOTE TAKEN: (SIX (6) IN FAVOR (BALDWIN, BARKER, BUSCHER, FRANTZ, HICKS AND STETLER; ONE (1) OPPOSED (GODFREY); AND ONE (1) ABSTAINED (SPRANGER); MOTION CARRIED.

- B. Special Use Permit #S-06-12:** Petition from Ms. Nelda R. Beaudrie, 128 Kirkpatrick Drive, Battle Creek, MI 49015. Requesting a Special Use Permit of the following described property for

use as a Group Daycare for 7-12 Children as permitted under the Planning & Zoning Code, Chapter 1290, Sec. 1290.01(b)(6), for property located at 93 Grand Blvd., Parcel #7610-15-207-0.

Commissioner Hicks Opened the Public Hearing:

Ms. Christine Hilton, Planning Supervisor, stated as outlined in the staff report the property located at 93 Grand Blvd. is a request for a Group Daycare Home which would allow between 7-12 unrelated children at any one time. Noted this is primarily a residential property and will continue to be a residential property which is on a ½ acre parcel. Said the hours of operation would be between 6:00 AM to 5:30 PM, Monday through Friday; staff recommend approval finding the 8 conditions in the ordinance would be met. Stated there is fencing on the north and south line of the property and a picket fence on the east side of the property; noted they will be required to have an actual fence for the playground in the back yard.

Ms. Nelda R. Beaudrie, 128 Kirkpatrick Drive, came forward to speak regarding their request and stated her and her daughter Lisa Beaudrie, who is also here with her today, would be working the Group Daycare together and that she has ran a daycare for 25 years. Stated they plan to fence in a play area to protect the children from neighboring pools, etc.; want to get along with the neighbors in the neighborhood and are hoping for approval of their request.

Mr. Marion Wood, 99 Grand Blvd., came forward to speak and said he is an adjacent property owner who has lived there for 62 years without having any problems. Said the previous neighbor had a set of twins and had toys left out all over the yard all the time that irritates him to no end. Said his yard is fenced-in; the house next door has no fence at all; and the rear property has a split rail fence which is on the east side and that they do not want problems with children. Said Ms. Beaudrie stated she would be caring for just infants; noted she has two piles of toys ready to be put up in her yard; which is a lot of toys for infants that do not play with that type of toys. Mr. Wood is hoping this petition is rejected.

Ms. Eleanor Kennedy, 15 Marine Drive, stated she lives off the private drive in the rear which does get a lot of traffic that they do not need. Said she has lived there for 45 years and raised her five children and are now grown and not around; said she likes the peace, quiet and tranquility, with deer, pheasants and other animals. Stated the older she gets the less she likes the little children and know they are the generation to come, but when you have had five of your own, you know what she is talking about.

Ms. Lisa Beaudrie, 20 Eldridge St., Battle Creek, MI, said her mother has taken care of children all of her life and that the children are outside only for two hours and then are inside most of the time and in the winter time they do not go outside; said she has three children of her own that will be there also playing and noted that the children are supervised and will be taken care of.

Ms. Susan Miller, 85 Grand Blvd, said she lives right next door with one acre of land; works in the education field and noted she does not have any fencing. Said having an open area of land the children will want to go onto her property and possibly into the wooded area which has fallen trees; poison ivy, etc. and would be dangerous. Noted the house next door to her is in foreclosure and asked if this is a business that would be right next door to her and said if the foreclosed property becomes commercial with gas station etc. that her property would then be between two commercial properties. Asked what type of fencing would be put up and said she does not want the children abusing her property.

Mr. Wood, 99 Grand Blvd. came forward again saying he has lived there for 62 years and the commercial properties across the street have always been very neat with no problems and has wanted the city to put speed bumps on the road to slow traffic from Family Fare Store and now with the childcare there could be a problem and that he hopes this petition is rejected as he has lived there for many years and would hate to move.

With no others wishing to speak, Commissioner Hicks closed the public hearing.

MOTION BY COMMISSIONER FRANTZ, SUPPORTED BY COMMISSIONER BARKER TO APPROVE THE SPECIAL USE PERMIT FOR USE AS A GROUP DAYCARE FOR 7-12 CHILDREN FOR PROPERTY LOCATED AT 93 GRAND BLVD., AS IT MEETS THE STANDARDS IN CHAPTER 1290.01(b)(6); TO INCLUDE STAFF RECOMMENDATIONS AND CONDITIONS OUTLINED IN THE STAFF REPORT.

Discussion:

Ms. Christine Hilton stated the childcare licensing authority does require fencing and that the commission may stipulate a condition to the Special Use Permit. Noted this request only pertains to the property at 93 Grand Blvd. and not any of the other surrounding properties. Said the zoning on this side of the street is "R-2 Two Family Residential" and that Gas Stations or commercial use is not allowed and that this property would remain a residential zoned property.

Commissioner Buscher asked the petitioner if the State of Michigan requires a special use permit and if they have had the property inspected by the State and what was the type of fencing they were planning on installing. Ms. Beaudrie stated they have used chain-link and privacy fencing in the past.

Commissioner Buscher asked if it was a requirement to get a Special Use Permit in order to be licensed by the State and has the "Department of Human Services" been at this location to inspect it and what type of fencing will be required by the DHS. Ms. Beaudrie stated they will not check the premises until the Special Use Permit has been approved and that in the past 25 years she was required and had used normal 4 ft. chain link or privacy fencing. Said the DHS would come and check and inspect the furnace, hot water heater, smoke detectors etc.; which goes to the State of Michigan and then they will come back in six months to see if everything is as it should be and would come out if there is ever a complaint made.

Commissioner Godfrey stated Grand Blvd. does have a lot of traffic already and asked who would live there. Ms. Beaudrie stated she has to live there; said she has put out a slow sign for the traffic.

Commissioner Godfrey asked how she plans for the traffic regarding dropping-off and picking-up of the children and that he suggest a circle driveway for better flow of traffic. Ms. Beaudrie stated the driveway holds six to eight cars and is currently single-lane and would like to change it to two-lanes; that the parents drop off the children about every 15-30-45 minutes.

Commissioner Stetler stated that the current zoning on the east and west side does allow "O-1 Office District" and "C-1 Neighborhood Commercial" zoning.

Mayor Baldwin asked Ms. Beaudrie what type of fencing she was going to use. Ms. Beaudrie stated she was not sure; said regarding toys the State requires two of everything and that she now only has infants and want to only fence the center with 6 ft. chain-link fencing and that within one-year do an 8ft. privacy fence.

Commissioner Buscher asked if there was a minimum size required for playground area. Ms. Beaudrie stated no size limit is required only the house size; said for the playground she wants to use the existing area in the middle of the rear yard.

Commissioner Buscher asked if she has older children will she then expand the playground area. Ms. Beaudrie stated she only wants to care for 0-4 year old children and do not want any older children as it would be easier for her to care for them.

Mr. Buscher asked if the neighbors are not satisfied; how changes are made to the conditions that are set and approved today.

Commissioner Frantz asked to amend her motion to include a condition regarding the type of fencing. The amendment to the motion was not seconded; therefore motion for amendment failed.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

8. **Comments by the Public:** Mr. Wood said he was displeased with the commission.
9. **Comments by the Staff and Commission Members:** None
10. **Adjournment:** The meeting was adjourned at 4:39 P.M.

Respectfully Submitted,



Christine M. Hilton, AICP.
Executive Secretary, Planning Commission